

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20705

ALI DARWICH,

Defendant.

**ORDER DENYING DEFENDANT ALI DARWICH'S
"MOTION FOR PRE-TRIAL DISCOVERY"**

Before the court is a "Motion for Pre-Trial Discovery" filed, through counsel, by Defendant Ali Darwich. In his motion, Defendant requests the pre-trial disclosure of any witness statements in the Government's possession. Defendant argues that it is his understanding that his co-defendant, Fatima Toufaili, is already in possession of these statements from a previous criminal trial, but that she cannot disclose them because they are subject to a protective order. Defendant asserts that if Toufaili has them, then there is no reason why he should not have them, too. In making this argument, however, Defendant fails to assert any authority in support of why he is entitled to these statements.

Discovery in criminal cases is governed by Federal Rule of Criminal Procedure 16. Defendant has not identified any provision of that Rule, nor can the court discern any such provision, compelling disclosure under these circumstances. In the absence of any authority for his position, Defendant's motion will be denied. Accordingly,

IT IS ORDERED that Defendant Darwich's "Motion for Pre-Trial Discovery" [Dkt. # 44] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 1, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522